

**YAKIMA COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision**

Applicant: Central Pre-Mix Concrete Company

Application Number: YAKI-03-55

This record of decision was made by a majority of the board at an open public meeting of the Yakima County Water Conservancy Board held on September 3, 2003.

☒ **Approval:** The Yakima County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on September 3, 2003 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The Yakima County Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on September 3, 2003 and submits this record of decision to the Department of Ecology for final review.

Signed:



Steven Pickett, Chair
Yakima County Water Conservancy Board

Date: 09.03.03

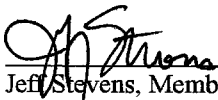
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐



Dueane Calvin, Member
Yakima County Water Conservancy Board

Date: 09.03.03

Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐



Jeff Stevens, Member
Yakima County Water Conservancy Board

Date: 09.03.03

Approve ☐
Deny ☐
Abstain ☐
Recuse ☒
Other ☐

Mailed to the Department of Ecology (regional office name) Regional Office of Ecology, via certified mail, and other interested parties on (date mailed).

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(Board Name)
WATER CONSERVANCY BOARD
Application for Change/Transfer
Report of Examination

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON



Surface Water



Ground Water

DATE APPLICATION RECEIVED	PERMIT NUMBER S4-23495	CERTIFICATE NUMBER S4-23495C	CHANGE APPLICATION NUMBER YAKI-03-55
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NAME Central Pre-Mix Concrete Company			
ADDRESS (STREET) 2000 Beech Street	(CITY) Yakima	(STATE) WA	(ZIP CODE) 98901

Changes Proposed:



Point of Diversion/Withdrawal



Place of Use



Purpose



Temporary



Other

DECISION HISTORICAL SUMMARY

Existing Use						Proposed Use					
QUANTITY, TYPE OF USE, PERIOD OF USE Continuous 1.3 cfs, non-consumptive, aggregate & industrial washing						QUANTITY, TYPE OF USE, PERIOD OF USE Continuous 1.3 cfs, non-consumptive, aggregate & industrial washing					
Point of Diversion or Withdrawal						Point of Diversion or Withdrawal					
SOURCE Unnamed Pond		TRIBUTARY OF (IF SURFACE WATER) Yakima River				SOURCE Unnamed Pond A Well		TRIBUTARY OF (IF SURFACE WATER) Yakima River NA			
NO. Pond	¼ NW ¼	¼ SE ¼	SECTION 20	TOWNSHIP N. 13	RANGE, 19	NO. Pond Well	¼ E ¼ NW ¼	¼ SW ¼ SE ¼	SECTION 33 33	TOWNSHIP N. 13 13	RANGE, 19 19
Place of Use						Place of Use					
The NW¼ SE¼, except the W 66 Ft of the S ½ NW¼ NW¼ SE¼ and except the State Highway, in Section 20, T13N, R19 EWM, located in Yakima Co, WA. The SW¼ SE¼ lying east of the State Highway in Section 20, T13N, R19 EWM located in Yakima Co, WA, consisting of 40.68 acres more or less, and lots 9, 10, 11, except the north 135 ft of the west 200 feet (measured along the North line), and the east 134 ft of Lot 12 of Chalmer's Garden Tract.						The NW¼ SE¼, Section 33 T13N, R19 EWM. E½ SW¼, Section 33, T13N, R19 EWM, except the portion lying west of the Yakima River levee, and except for the portion lying southeast of Blue Slough in the SE¼ SW¼.					
NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,	NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE, (

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

Water Right Priority Date: September 28, 1974

BOARD'S TENTATIVE DETERMINATION

MAXIMUM CUB FT/ SECOND 1.3 cfs	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR Non-consumptive	TYPE OF USE, PERIOD OF USE Aggregate & industrial washing				
SOURCE Unnamed Pond A Well			TRIBUTARY OF (IF SURFACE WATER) Yakima River NA				
AT A POINT LOCATED: PARCEL NO.	¼ E ½ NW ¼	¼ SW ¼ SE ¼	SECTION 33 33	TOWNSHIP N. 13 13	RANGE 19 19	WRIA 37 37	COUNTY. Yakima Yakima
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
The NW¼ SE¼, Section 33 T13N, R19 EWM. E½ SW¼, Section 33, T13N, R19 EWM, except the portion lying west of the Yakima River levee, and except for the portion lying southeast of Blue Slough in the SE¼ SW¼.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

DESCRIPTION OF PROPOSED WORKS

The proposed points of diversion/withdrawal are a new surface water intake on an unnamed pond west of the new aggregate washing operation, and a new well located within the proposed place of use. The proposed place of use would be a new aggregate washing facility located approximately 2 miles south and downstream of the existing place of use on the Yakima River.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: November 2003	COMPLETE PROJECT BY THIS DATE: June 2005	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: November 2005
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REPORT**BACKGROUND**

Description. This transfer is needed as part of Central Pre-Mix Concrete Company's (Central's) plans to move its aggregate mining and washing operations to a more productive location. Central proposes to transfer the point of diversion and place of use for its non-consumptive water right certificate to a location approximately 2 miles south and downstream from its existing operation. The purpose and period of use would remain the same.

The existing certificate is identified under Ecology's system as S4-23495C, and under the Yakima basin adjudication as Court Claim No. 00039. The Yakima County Water Conservancy Board (Board) has assigned this application the number YAKI-03-55.

Protests, objections or comments. The Board received no protests, objections or comments regarding this application during the public comment period.

SEPA compliance. This application requests transfer of 1.3 cfs, or 583 gpm, which is less than the 2,250 gpm threshold for SEPA review. Consequently, the Board has determined that this application is exempt from the SEPA process.

INVESTIGATION

Site visit. The Board conducted a site visit of both the existing and proposed points of diversion and places of use on July 10, 2003. Also present at the site visit were Wayne Kalbfleisch and Walt Jackson from Central, and Jeff Stevens, P.E., who has been retained by Central to assist with the application. Mr. Stevens is also a member of the Board and intends to recuse himself on this application.

Effect on other water rights. Because the proposal would transfer the existing point of diversion in the Yakima River to a point further downstream, it is anticipated that there would be no adverse impact on other water right holders in the area as a result of the proposed changes.

Insofar as the applicant requests that an additional point of ground water withdrawal be added, the Board notes that shallow ground water in the area of the proposed well is in direct hydraulic continuity with the Yakima River, and that the effect of the proposed added ground water withdrawal would effectively be the same as a surface water withdrawal. It will be important that the ground water withdrawal be limited to the shallow alluvial aquifer to ensure continuity with the Yakima River.

Effect on pending permit or change applications. There are currently no permit or change applications in the State's WRATS database that are listed in the same quarter section for either the existing or proposed operations. The only nearby applications are located in the NW quarter of Section 20, T13N, R19E, which is upstream from the existing point of diversion and place of use.

Effect on instream flows. The proposal will result in moving the point of diversion downstream approximately two miles. This action would leave the instantaneous quantity, 1.3 cfs, in the Yakima River for that two-mile reach, which is anticipated would enhance instream flows in that reach the Yakima River. To the Board's knowledge, this transfer is not in conflict with any instream flow objectives in the recently completed Yakima basin watershed plan.

Public Interest. The Washington State Supreme Court has determined that the public interest test outlined in 90.03.290 RCW does not apply to changes to surface water rights covered under RCW 90.03.380. Nevertheless, there has been no indication that approval of this application would be detrimental to public interest.

Abandonment and relinquishment. The Supplemental Report of the Referee for Subbasin 22 states as follows:

"The property upon which Central's main gravel washing and concrete batch plant is located is leased (sic) from Bruce Buchanan. The original lease to Central was signed in 1966, at which time they took over from Superior Asphalt Company who had begun using surface water the preceding year. Water has been used continuously since that time for gravel washing and equipment washing. On September 28, 1974, Central filed applications No. S4-23495. Subsequently, on March 17, 1976, Surface Water Certificate S4-23495C was issued to Central Pre-Mix Concrete Company and the authorized use of 1.3 cfs for non-consumptive use has continued ever since."

Water for aggregate and industrial washing has been put to use as allowed by the Court since the Court's decision. Evidence of continued use is provided by the fact that aggregate washing is essential to Central's business, and its business has operated continuously since the adjudication. On the basis of this information, the Board concludes that the certificated amount has been put to beneficial use and has been neither abandoned nor relinquished due to nonuse.

CONCLUSIONS

Validity of Right. It is the Board's tentative determination that right is valid and eligible for transfer as requested. Evidence provided during and since the adjudication indicates that the right has not been abandoned or relinquished.

Impairment. The Board concludes that the proposed transfer would not impair existing surface water or ground water rights. The Board also finds that there are no pending applications for permit or change that would be impaired, and that the proposed transfer would not impair instream flows.

RECOMMENDATIONS

The Yakima County Water Conservancy Board hereby accepts for approval the water right changes proposed herein on September 3, 2003, and submits this Report of Examination to the Director of the Washington State Department of Ecology for final review.

PROVISIONS AND CONDITIONS

The following provisions are appropriate for the proposed change.

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded and shall be submitted to Ecology upon request.

Installation and maintenance of an access port as described in Ground Water Bulletin No. 1 is required. An air line and gauge may be installed in addition to the access port.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

Ground water may only be withdrawn from strata in direct hydraulic continuity with the Yakima River.

Continued

Signed at Yakima, Washington

This ____ day of _____, 2003

Steven Pickett, Chair
Yakima County Water Conservancy Board

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For attachments not included or for more information please contact:

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